

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARGARET ASH, *et al.*,

Plaintiffs,

v.

Case No. 15-cv-149-pp

NANCY A. BERRYHILL,
*Acting Commissioner of the
Social Security Administration,*

Defendant.

ORDER APPROVING STIPULATION FOR ORDER OF DISMISSAL (DKT. NO. 58), REMANDING CERTAIN PLAINTIFFS' CLAIMS, DENYING AS MOOT PLAINTIFFS' MOTION TO CERTIFY CLASS (DKT. NO. 9), DENYING AS MOOT DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT (DKT. NO. 38), DENYING AS MOOT PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME (DKT. NO. 56), AND DISMISSING CASE

On March 16, 2018, the parties filed a stipulation for entry of final judgment and remand. Dkt. No. 58. In the stipulation, the parties informed the court that plaintiffs Margaret Ash, Randy Hanson, Sheela Kranig, Beth Leonard, Jeffrey Adams, James Williams, Rosly Rodriguez-Carmona, Michael Mazurkiewicz, Chelsey Yager and Diane Marotti-Roxbury had agreed to dismiss their claims, with prejudice. *Id.* at 1.

The parties also informed the court that as to plaintiffs Angeles Gonzalez and Nicholas Thompson, the parties had agreed to a reversal of the agency's decisions and remand to the agency for further administrative proceedings under sentence four of 42 U.S.C. §405(g). *Id.* at 2.

The court **APPROVES** the parties' stipulation for order of dismissal and remand. Dkt. No. 58.

The court **ORDERS** that the claims of plaintiffs Margaret Ash, Randy Hanson, Sheela Kranig, Beth Leonard, Jeffrey Adams, James Williams, Rosly Rodriguez-Carmona, Michael Mazurkiewicz, Chelsey Yager, and Diane Marotti-Roxbury are **DISMISSED WITH PREJUDICE**.

The court **ORDERS** that the decisions of the commissioner as to plaintiffs Angeles Gonzalez and Nicholas Thomspen are **REVERSED** under sentence four of 42 U.S.C. §405(g). The court **REMANDS** these claims to the acting commissioner for further administrative proceedings. On remand, the Appeals Council will send Gonzalez's and Thompson's respective disability claims identified in the amended complaint (dkt. no. 35, at ¶¶29, 31) to an administrative law judge for a new administrative hearing and decision. At their respective administrative hearings, the assigned administrative law judges will afford Gonzalez and Thompson the opportunity to testify and submit additional evidence and arguments, and a vocational expert will testify. Each vocational expert will be advised, in advance of the remand hearings, to have available at the hearing any vocational resource materials that he or she is likely to rely upon, and to be prepared to provide an explanation for answers to hypothetical questions at the hearing.

The court **DENIES AS MOOT** the plaintiffs' motion to certify class. Dkt. No. 9.

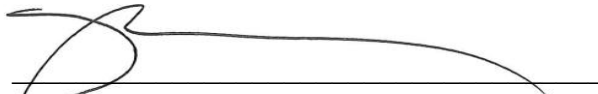
The court **DENIES AS MOOT** the defendant's motion to dismiss the amended complaint. Dkt. No. 38.

The court **DENIES AS MOOT** the plaintiffs' motion for an extension of time. Dkt. No. 56.

The court **ORDERS that** this case is **DISMISSED**. The court will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 20th day of March, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge